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- and -

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

PATRICIA MCNEARY-CALLOWAY, COLIN
MACKINNON, TERRIE MACKINNON,
ANDREA NORTH and SHEILA M. MAYKO,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

JPMORGAN CHASE BANK, N.A. and CHASE
BANK USA, N.A.

Defendants.

Civil Action No. CV-11-03058-JCS

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING BRIEFING
SCHEDULE ON DEFENDANTS'
MOTION TO DISMISS**

Action Filed: June 20, 2011
Judge: Hon. Joseph C. Spero

Patricia McNeary-Calloway, Colin Mackinnon, Andrea North and Sheila M. Mayko, (“Plaintiffs”) and Defendants JPMorgan Chase Bank, N.A. and Chase Bank USA, N.A. (collectively, “Defendants”) (together, the “Parties”) respectfully submit the following Joint Stipulation regarding the briefing schedule on Defendants’ Motion to Dismiss.

WHEREAS as provided by the Stipulation and Order Regarding Filing of Amended

1 Complaint Pursuant to Fed. R. Civ. P. 15(a)(1)(B) dated October 19, 2011, (ECF No. 41) (“the
2 October 19, 2011 Stipulation and Order”), Plaintiff filed a First Amended Complaint (the
3 “Amended Complaint”) deemed filed on October 17, 2011 (ECF No. 39-1).

4 WHEREAS in accordance with the schedule established by the October 19, 2011
5 Stipulation and Order, Defendants filed a Motion to Dismiss the Amended Complaint (the
6 “Motion to Dismiss”) (ECF No. 48) on November 21, 2011;

7 WHEREAS the October 19, 2011 Stipulation and Order adopted a briefing schedule that
8 set: the requested date of December 30, 2011, as the date for filing of the opposition to the
9 motion to dismiss; the requested date of January 25, 2012, as the date for filing the reply in
10 support of the motion to dismiss; and March 9, 2012, a date three weeks later than the date
11 requested by the parties, for the hearing on the motion to dismiss;

12 WHEREAS in light of the later hearing date and a number of unexpected filings that
13 Plaintiffs are now due to file in various matters during the upcoming holiday period, Plaintiffs
14 proposed to Defendants that the parties stipulate to a briefing schedule that allowed both parties
15 some additional time to prepare their submissions in connection with the Motion to Dismiss;

16 WHEREAS Plaintiffs proposed that the parties stipulate to a schedule that provides that
17 Plaintiffs file their response to the Motion to Dismiss on January 12, 2012, and Defendants file
18 their reply in further support of the Motion to Dismiss on February 15, 2012 (*i.e.* twenty-two
19 days before the scheduled March 9, 2012 hearing), and Defendants agreed thereto;

20 WHEREAS all Parties have stipulated and agreed to the briefing schedule proposed
21 below, and respectfully request that the Court so order.

22 **IT IS HEREBY STIPULATED AS FOLLOWS:**

23 1. Plaintiffs shall file their Opposition to Defendants’ Motion to Dismiss on or
24 before January 12, 2012;

25 2. Defendants shall file their Reply in Support of Defendants’ Motion to Dismiss on
26 or before February 15, 2012; and

27 3. In accordance with the schedule established by the October 19, 2011 Stipulation and
28 Order (ECF No. 41), the hearing on the Motion to Dismiss shall be set for March 9, 2012, at 9:30

1 a.m., or as soon thereafter as the Court's schedule permits. All other dates shall run in
2 accordance the schedule established by the October 19, 2011 Stipulation and Order, Federal
3 Rules of Civil Procedure and the Local Rules of the United States District Court for the Northern
4 District of California.

5 **IT IS SO STIPULATED.**

6 Respectfully submitted,

7
8 Dated: December 20, 2011

/s/ Edward W. Ciolko

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Attorneys for Plaintiff and the Proposed Class

1 Dated: December 20, 2011

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2 /s/ Zachary J. Aliner (signed with consent)

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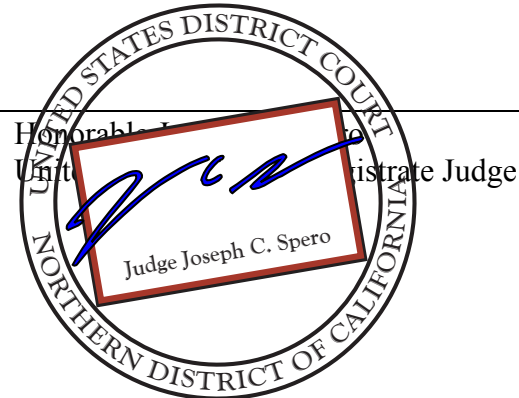
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Attorneys for Defendants

10
11
12 **PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS SO ORDERED.**

13
14 Dated: 12/21/11



FILER'S ATTESTATION

Pursuant to General Order No. 45, § X(B), I attest under penalty of perjury that concurrence in the filing of the document has been obtained from all of the signatories.

Dated: December 20, 2011

**KESSLER TOPAZ
MELTZER & CHECK, LLP**

By: Edward W. Ciolko
Edward W. Ciolko

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses of all counsel of record.

Edward W. Ciolko

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